

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBORAH FRAME-WILSON, *et al.*,  
Plaintiffs,  
v.  
AMAZON.COM, INC.,  
Defendant.

No. 2:20-cv-00424-JHC

**STIPULATED MOTION AND ORDER  
REGARDING DEPOSITION OF BEN  
GARRY**

NOTE ON MOTION CALENDAR:  
August 22, 2025

ELIZABETH DE COSTER, *et al.*,  
Plaintiffs,  
v.  
AMAZON.COM, INC.,  
Defendant.

No. 2:21-cv-00693-JHC

CHRISTOPHER BROWN, *et al.*,  
Plaintiffs,  
v.  
AMAZON.COM, INC.,  
Defendant.

No. 2:22-cv-00965-JHC

FEDERAL TRADE COMMISSION, *et al.*,  
Plaintiffs,  
v.  
AMAZON.COM, INC.,  
Defendant.

No. 2:23-cv-01495-JHC

STIP. MOT. & ORDER RE GARRY DEPOSITION  
(No. 2:20-cv-00424-JHC; No. 2:21-cv-00693-JHC;  
No. 2:22-cv-00965-JHC; No. 2:23-cv-01495-JHC)

1       **WHEREAS**, Private Plaintiffs in the above-captioned matters have noticed the deposition  
 2 of Mr. Benjamin Garry, who is an attorney duly licensed to practice in the State of Washington  
 3 and has represented Amazon.com, Inc. (“Amazon”) as an in-house lawyer since at least 2016;

4       **WHEREAS**, parties in Coordinated Cases may participate in depositions noticed in the  
 5 Coordinated Cases pursuant to the limitations set forth in the Coordinated Discovery Orders;<sup>1</sup>

6       **WHEREAS**, pursuant to the Coordinated Discovery Orders, counsel for Plaintiffs in *FTC*  
 7 (“Coordinated Parties”) have indicated their intent to participate in the deposition of Mr. Garry;

8       **WHEREAS**, this Stipulated Agreement supplements and does not supersede the terms of  
 9 the Coordinated Discovery Orders, and other orders issued by the court in these and other  
 10 coordinated cases;

11       **WHEREAS**, Private Plaintiffs and Coordinated Parties represent that they do not seek  
 12 information that is protected by the attorney-client privilege, the work-product protection, or any  
 13 other privilege or protection recognized by law;

14       **WHEREAS**, the Parties seek to balance the parties’ concerns regarding permitting  
 15 reasonable discovery without creating unnecessary risk of delving into potentially privileged  
 16 matters;

17       **WHEREAS**, the Parties further seek to minimize the questioning of a lawyer on topics and  
 18 matters where the same information could be obtained from a non-lawyer witness;

19       Amazon, Private Plaintiffs and Coordinated Parties (collectively herein, the “Parties”)  
 20 therefore agree as follows:

21       1.       The Parties agree that the scope of the examination of Mr. Garry shall be limited to  
 22 matters reflected in documents produced by Amazon in this case (including Coordinated Cases),  
 23 in which it appears from the face of the document, metadata, or other documents or testimony  
 24 provided by Amazon or its employees (current or former) that Mr. Garry authored or otherwise  
 25 contributed to non-privileged discussion or drafting of the document (“Garry Documents”). The

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 27 <sup>1</sup> See, e.g., *California v. Amazon.com, Inc.*, No. CGC-22-601826 (Cal. Super. Ct.) (order entered Dec, 6, 2024); *FTC*  
*v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC, Dkt. No. 337 (W.D. Wash.); *Mbadiwe et al. v. Amazon.com, Inc.*,  
 Dkt. No. 69 No. 1:22-cv-9542-VSB (S.D.N.Y.)

1 Parties will confer in good faith concerning any disputes that arise during the deposition about this  
2 paragraph.

3 2. Pursuant to Fed. R. Evid. 502(d) and subject to the limitations in this paragraph and  
4 paragraph (3), no statement made by Mr. Garry during the deposition, nor use of, discussion of, or  
5 reference to any document or exhibit during Mr. Garry's deposition, shall, for the purposes of this  
6 proceeding or any other federal or state proceeding, constitute an independent basis for waiver by  
7 Amazon of any privilege or protection applicable to the subject or substance of his response,  
8 including the attorney-client privilege, attorney work-product protection, or any other privilege or  
9 protection recognized by law. For avoidance of doubt, this non-waiver provision does not limit  
10 Private Plaintiffs' or Coordinated Parties' use of Mr. Garry's testimony in any context for reasons  
11 other than asserting a privilege waiver against Amazon. This order shall be interpreted to provide  
12 the maximum protection allowed by Federal Rule of Evidence 502(d). The provisions of Federal  
13 Rule of Evidence 502(b) do not apply to this order.

14 3. Amazon agrees that it will not affirmatively cite, quote from, reference or elicit  
15 testimony (during the deposition or later, including via sworn statements) from Mr. Garry on  
16 substantive topics where Amazon objects on the basis of privilege and instructs Mr. Garry not to  
17 answer. For the avoidance of doubt, nothing in this stipulation limits Amazon's ability to submit  
18 a declaration from Mr. Garry to support any privilege dispute being resolved by the Special Master  
19 or the Court. Amazon further agrees that the non-waiver provision of paragraph (2) above shall  
20 not apply to testimony provided during Amazon's counsel's questioning of Mr. Garry during the  
21 deposition, if any.

1 DATED August 22, 2025.

Respectfully submitted,

2 HAGENS BERMAN SOBOL SHAPIRO LLP

3 By: /s/ Steve W. Berman

4 Steve W. Berman, WSBA #12536)

5 By: /s/ Barbara A. Mahoney

6 Barbara A. Mahoney, WSBA #31845)

7 1301 Second Avenue, Suite 2000

8 Seattle, WA 98101

9 Telephone: (206) 623-7292

Email: steve@hbsslaw.com

Email: barbaram@hbsslaw.com

10 Anne F. Johnson (*pro hac vice*)

11 594 Dean Street, Suite 24

12 Brooklyn, NY 11238

Telephone: (718) 916-3520

Email: annej@hbsslaw.com

13 KELLER POSTMAN LLC

14 Zina G. Bash (*pro hac vice*)

15 111 Congress Avenue, Suite 500

16 Austin, TX, 78701

Telephone: (512) 690-0990

Email: zina.bash@kellerpostman.com

17 Jessica Beringer (*pro hac vice*)

18 Alex Dravillas (*pro hac vice*)

19 Shane Kelly (*pro hac vice*)

20 150 North Riverside Plaza, Suite 4100

Chicago, Illinois 60606

Telephone: (312) 741-5220

Email: jessica.beringer@kellerpostman.com

Email: ajd@kellerpostman.com

Email: shane.kelly@kellerpostman.com

23 *Interim Co-Lead Counsel for Plaintiffs and the*  
24 *proposed Class*

25 QUINN EMANUEL URQUHART &  
26 SULLIVAN, LLP

27 By: /s/ Steig D. Olson

Steig D. Olson (*pro hac vice*)

David D. LeRay (*pro hac vice*)  
Nic V. Siebert (*pro hac vice*)  
Maxwell P. Deabler-Meadows (*pro hac vice*)  
Elle Mahdavi (*pro hac vice*)  
295 Fifth Avenue  
New York, NY 10016  
Telephone: (212) 849-7000  
Email: steigolson@quinnemanuel.com  
Email: davidleray@quinnemanuel.com  
Email: nicolassiebert@quinnemanuel.com  
Email: maxmeadows@quinnemanuel.com  
Email: ellemahdavi@quinnemanuel.com

Adam B. Wolfson (*pro hac vice*)  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017-2543  
Telephone: (213) 443-3000  
Email: adamwolfson@quinnemanuel.com

*Interim Executive Committee for Plaintiffs and the  
proposed Class*

By: /s/ Susan A. Musser

Susan A. Musser (*pro hac vice*)  
Edward H. Takashima (*pro hac vice*)  
Michael Baker (*pro hac vice*)  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Telephone: (202) 326-2122 (Musser)  
(202) 326-2464 (Takashima)  
Email: smusser@ftc.gov  
Email: etakashima@ftc.gov  
Email: mbaker1@ftc.gov

*Attorneys for Plaintiff Federal Trade Commission  
and on behalf of the Plaintiff States*

DAVIS WRIGHT TREMAINE LLP

By: /s/ John A. Goldmark

John A. Goldmark, WSBA #40980  
MaryAnn Almeida, WSBA #49086  
Emily Parsons, WSBA #57061  
920 Fifth Avenue, Suite 3300  
Seattle, WA 98104-1610

Telephone: (206) 622-3150  
Email: johngoldmark@dwt.com  
Email: maryannalmeida@dwt.com  
Email: emilyparsons@dwt.com

DUNN ISAACSON RHEE LLP

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Amy J. Mauser (*pro hac vice*)  
Kyle Smith (*pro hac vice*)  
401 Ninth Street, NW  
Washington, DC 20004-2637  
Telephone: (202) 240-2900  
Email: kdunn@dirllp.com  
Email: wisaacson@dirllp.com  
Email: amauser@dirllp.com  
Email: ksmith@dirllp.com

Meredith Dearborn (*pro hac vice*)  
345 California Street, Suite 600  
San Francisco, CA 94104-2671  
Email: mdearborn@dirllp.com

*Attorneys for Amazon.com, Inc.*

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Patty A. Eakes  
Patty A. Eakes, WSBA #18888  
Molly A. Terwilliger, WSBA #28449  
1301 Second Avenue, Suite 3000  
Seattle, WA 98101  
Telephone: (206) 274-6400  
Email: patty.eakes@morganlewis.com  
Email: molly.terwilliger@morganlewis.com

WILLIAMS & CONNOLLY LLP

Heidi K. Hubbard (*pro hac vice*)  
John E. Schmidlein (*pro hac vice*)  
Kevin M. Hodges (*pro hac vice*)  
Jonathan B. Pitt (*pro hac vice*)  
Edward C. Reddington (*pro hac vice*)  
Carl R. Metz (*pro hac vice*)  
Carol J. Pruski (*pro hac vice*)

1 Katherine Trefz (*pro hac vice*)  
2 680 Maine Avenue SW  
3 Washington, DC 20024  
4 Telephone: (202) 434-5000  
5 Email: hhubbard@wc.com  
6 Email: jschmidtlein@wc.com  
7 Email: khodges@wc.com  
8 Email: jpitt@wc.com  
9 Email: ereddington@wc.com  
10 Email: cmetz@wc.com  
11 Email: cpruski@wc.com  
12 Email: ktrefz@wc.com

13 COVINGTON & BURLING LLP

14 Thomas O. Barnett (*pro hac vice*)  
15 Derek Ludwin (*pro hac vice*)  
16 Kate Mitchell-Tombras (*pro hac vice*)  
17 One CityCenter  
18 850 Tenth Street, NW  
19 Washington, DC 20001-4956  
20 Telephone: (202) 662-5407  
21 Email: tbarnett@cov.com  
22 Email: dludwin@cov.com  
23 Email: kmitchelltombras@cov.com

24 *Attorneys for Defendant Amazon.com, Inc*

1  
2 IT IS SO ORDERED this 22nd day of August, 2025.  
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5 John H. Chun

6 UNITED STATES DISTRICT JUDGE  
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